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STATEMENT OF [REDACTED]

10 CONDUCTED BY INVESTIGATOR JIM LUKAS

11 on 9 November 2011 at 1633 hours

12 at 7833 South Kilbourn Avenue

13 Chicago, Illinois

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VICTORIA COURT REPORTING SERVICE, INC.
(312) 443-10251049886
#27

INVESTIGATOR LUKAS: This is Investigator Jim Lukas, that's Lukas. This is the digitally recorded interview of [REDACTED] regarding Log #1049886. It's approximately 1633 hours on 9 November 2011 and we are at [REDACTED] house at [REDACTED] in Chicago. In the room with me with [REDACTED] is an IPRA intern and that's Habibullah Wardak.

Mr. Wardak, why don't you state your name and spell it, please?

MR. WARDAK: Habibullah, H-a-b-i-b-u-l-l-a-h last name Wardak, W-a-r-d-a-k.

INVESTIGATOR LUKAS: And what's your birth date, please?

INVESTIGATOR LUKAS: Okay, and what school are you attending?

MR. WARDAK:

EXAMINATION

BY INVESTIGATOR LUKAS:

Q [REDACTED] is that the correct pronunciation?

A Yes.

Q Can you state your name and spell it, please?

A

Q Okay. And do you swear or affirm that the

1 statement you are about to give in this matter is true
2 and correct?

3 A Yes.

4 Q Okay and could you state -- let's see, this is
5 your address, the [REDACTED]

6 A Yes.

7 Q Okay. And what's a phone number for you?

8 A [REDACTED]

9 Q Okay. And is there any other number for you?

10 A No, that's it.

11 Q Okay, all right. And what's your birth date?

12 A [REDACTED]

13 Q Okay and the incident that you are here to be
14 interviewed about do you know what day that happened on?

15 A I believe it is November 4th.

16 Q Okay, all right. Let's see, let me just check.

17 Oh, we've got it over here. Let's see, on your arrest
18 report they've got November 3rd at about 2224 hours, like
19 10:24 p.m. Is that about right?

20 A Yes, yes.

21 Q And that's this year. And where did it happen
22 at, approximately?

23 A [REDACTED]

24 Q Okay. All right, okay. Okay, we are going to

1 pause the interview for a second.

2 (Whereby interview was paused.)

3 Okay we are resuming the interview of N [REDACTED] Okay,
4 what were you doing at the time of the incident?

5 A I was driving to my cousin's house.

6 Q Okay. All right, and were you in your own car?

7 A I was in my own car.

8 Q Okay, what kind of car is it?

9 A A gray [REDACTED].

10 Q Okay, do you know the license plate offhand?
11 If not, it's okay.

12 A [REDACTED] I believe.

13 Q Okay, all right and do you know the year
14 offhand?

15 A Yes, [REDACTED].

16 Q And were you alone in the van?

17 A Yes, I was.

18 Q Okay. And so what street were you on at the
19 time?

20 A I believe it was [REDACTED] and [REDACTED] at the time.

21 Q We will just pause the interview for a second.

22 (Whereby interview was paused.)

23 Okay we are resuming the interview. So what did the
24 police stop you? What happened basically? What street

1 were you actually on, though?

2 A I was passing up a stop sign on I believe it
3 was [REDACTED] and [REDACTED].

4 Q Okay and were you on [REDACTED] or on [REDACTED]

5 A On [REDACTED] and [REDACTED], [REDACTED].

6 Q Okay, so you were actually on [REDACTED]

7 A On [REDACTED] heading north.

8 Q Oh, okay.

9 A I was going over a speed -- I was driving over
10 a speed bump, I was doing about 10 to 15 miles per hour
11 while a car from behind me came and clipped me from the
12 side.

13 Q Which side hit you, I mean what side --

14 A I believe it was the left side, my left side.

15 Q Okay. All right, did you see what kind of
16 vehicle clipped you?

17 A No, it was very dark and it was a rainy night.

18 Q Okay so now then what happens then?

19 A So then my car goes into a fence. It
20 hydroplanes into a fence and I was trying to straighten
21 out the wheel and from the hit of the other car, the car
22 couldn't stop and I was trying to fix the wheel and it
23 hit a tree.

24 Q Okay. So your van hit a tree?

1 A Yes.

2 Q Okay. And do you know approximately where this
3 is at this point?

4 A Yeah, now I am on [REDACTED] and [REDACTED]

5 Q Oh, okay, still on [REDACTED]

6 A Yes.

7 Q Okay. Were you injured in this incident?

8 A Yes, I was.

9 Q I should say, 'in the accident,' okay. All
10 right what injuries did you sustain from the accident?

11 A I had [REDACTED] a [REDACTED] and
12 I think a [REDACTED].

13 Q Okay. Any facial injuries, any injuries to
14 your chest?

15 A No, I just had this shoulder injury from the
16 police.

17 Q Oh, okay, we will get to that. I get you.
18 Okay, all right so now let's see you hit the tree. The
19 van has hit the tree.

20 A Uh-hum.

21 Q And now what happens?

22 A I get out of the car and I try to knock on
23 people's doors to call 911.

24 Q Okay. Did you succeed in that? Did somebody

1 actually call?

2 A Yes, someone did call 911.

3 Q Okay. All right. Do you know who called off
4 hand?

5 A No, I don't know who called.

6 Q Was it a male, female at the door?

7 A No one was answering the door, but I am pretty
8 sure they heard the loud noise.

9 Q Okay, so somebody called because of it?

10 A Yeah, uh-hum.

11 Q Okay, all right. And then what happens?

12 A As I am walking down the stairs of somebody's
13 house on [REDACTED] and [REDACTED] the police arrive. They tell
14 me to lay down on the floor, sit down on the floor. I
15 sit down on the floor. I did everything they asked me
16 to. The first request was, "Sit down on the floor and
17 don't move." So I sat down on the floor, I didn't move.
18 Then the officer approaches me and zaps me right in my
19 neck, zaps an electric shock right in my neck.

20 Q Okay. Was that with a taser?

21 A A taser gun, yes.

22 Q Okay, what color was the taser?

23 A I didn't get to see it. I was obeying orders.

24 Q That's okay. And what side of your neck got

1 tased?

2 A My left side of the neck.

3 Q Oh, okay, in the back.

4 A In the back.

5 Q All right, left side of neck in the back.

6 A And the hip right here.

7 Q Right hip?

8 A Right hip, yeah.

9 Q Okay, right at the waist, then?

10 A Yeah.

11 Q So he tasered you on top of the back of the
12 head --

13 A Yeah, I was getting tased like for at least a
14 couple of minutes.

15 Q Huh and prior to being tased had you -- were
16 you on the ground when you were tased?

17 A Yeah, I was on the ground when I was tased and
18 I didn't even get a chance to tell them what happened,
19 the story or nothing.

20 Q Okay.

21 A They immediately came to the conclusion I'm
22 guilty or something's wrong with me and I'm the one or
23 something.

24 Q Okay.

1 A They didn't hear nothing and they are sitting
2 there shocking me and they had their fists in their
3 mouth. They are punching me and I am not resisting
4 arrest or nothing.

5 Q And where did they punch you?

6 A One guy had his fist -- I was on the floor
7 sitting down like this --

8 Q Okay.

9 A I wasn't moving. The other had my neck like
10 this twisted.

11 Q Uh-hum.

12 A And they were zapping me at the same time.

13 Q Okay.

14 A And one guy was on the -- he is hitting me
15 right here on my ribs, right here, they are not letting
16 me move or saying nothing. I am being electrocuted.

17 Q Okay and for the record [REDACTED] is
18 demonstrating how the incident went forth. He was lying
19 on his back on his carpet here and indicating where on
20 his body they were both -- what, punching?

21 A And hitting and punching me and getting
22 electrocuted -- shocking me.

23 Q Tasing you, okay, all right.

24 A Yeah, tasing me.

1 Q Do you know about how many times you got tased?

2 A I am pretty sure I got tased at least four
3 times.

4 Q Okay, all right. And the two areas again,
5 right hip and back of the neck on the left side?

6 A Yes.

7 Q Okay. Any other areas got tased of your body
8 from what -- do you remember?

9 A That's all I remember for right now.

10 Q And earlier when you had referenced to get on
11 the floor, you are referring to the ground?

12 A Yes.

13 Q That's fine. And then when the officers are
14 telling you to get on the ground or get on the floor --

15 A Yes.

16 Q -- were you getting down -- you got down on
17 your own on to the ground.

18 A I got down right away. As soon as, "Get down
19 on the floor," I obeyed his orders and got down on the
20 floor.

21 Q Okay did you get down on your back?

22 A I sat down on the floor like this.

23 Q All right.

24 A And then they are like, "Lay down," so I laid

1 down.

2 Q Okay.

3 A And that's when they started.

4 Q All right, for the record [REDACTED] has
5 demonstrated again when he was told to get on to the
6 ground. He sat on the ground with his legs outstretched
7 in front of him and his back upright and he was told to
8 lie back and you laid back.

9 A When I sat down that's when I think he came and
10 tasered my neck and then I think I went back. then I was
11 getting shocked.

12 Q Okay. So you were in an upright position with
13 your legs out stretched?

14 A Yeah, and then he just came out of nowhere,
15 "Zzzz," zapping me.

16 Q Do you know which, by name, which officer tased
17 you?

18 A Yes.

19 Q All right who was that?

20 A I think his name is Officer McHenry (phonetic)
21 or something like that.

22 Q Okay and he's male.

23 A He's male, white, looks like he is Irish.

24 Q Okay.

1 A In his 30s. 8th District police officer.

2 Q Did you know Officer McHenry from any other
3 previous incident?

4 A No, I never seen him before in my life.

5 Q Okay. Was he in uniform?

6 A He was in uniform.

7 Q Could you estimate his height or weight?

8 A I believe he was 5'9, maybe 235 pounds, 240.

9 Q Okay. And what's your height and weight?

10 A I am 6'1", 230.

11 Q Okay. All right and when you said 'he looks
12 Irish' could you describe what you meant?

13 A He is white complected.

14 Q Okay.

15 A Blonde hair, like blue eyes -- bluish-greenish
16 eyes.

17 Q Okay, all right, any facial hair on him that
18 you recall?

19 A Not that I remember.

20 Q Okay. And how about glasses? Does he have
21 glasses from what you recall?

22 A No.

23 Q And if you don't recall it's okay.

24 A No, I don't recall.

1 Q Okay. And how about any like marks, scars,
2 tattoos, anything like that?

3 A No, I didn't see --

4 Q You don't recall?

5 A They were bending -- they didn't let me see
6 nothing. They just had my neck cracked into the floor
7 and they were sitting there attacking me.

8 Q And are you -- when you are on the ground are
9 you on the sidewalk or are you on the grass or on the
10 ground dirt, dirt?

11 A I am like -- first time I think I was on the
12 sidewalk and then somehow I ended up by the grass.

13 Q Okay. And would that be the parkway right next
14 to the curb, do you think or the grass of the home?

15 A It would be the grass of -- by the house.

16 Q Okay so closer to the house, okay. And so
17 you're on the ground, you get tased. You got punched.
18 Was there only one officer doing all this?

19 A No, there was a few officers doing this.

20 Q Okay but like you said Officer McHenry was the
21 one doing the tasing.

22 A That's who I recall tasing me and doing this --
23 everybody had a side. Everybody was doing something on
24 each of my body.

1 Q Okay. And did Officer McHenry get involved
2 with physically hitting you or anything like that?

3 A At the time I was getting shocked so I couldn't
4 recall but I know he's the one that was sitting there
5 tasing me.

6 Q Okay.

7 A I was getting shocks so I couldn't pay
8 attention to none of that. I was too busy and I thought
9 I was having a heart attack at the time.

10 Q Okay. And how do you know his name, Officer
11 McHenry?

12 A Because he showed up at the hospital and I seen
13 his nametag at the scene. As soon as -- when I obeyed
14 his orders and sat down the first thing I glanced at was
15 his nametag.

16 Q Okay. Okay and do you know the names offhand
17 of any of the other officers who were on the scene?

18 A No, but I seen their faces.

19 Q All right and how many officers were at the
20 scene from your recollection?

21 A At least three or four.

22 Q Can you describe any of them like male, female,
23 uniform, not uniform?

24 A Uhm.

1 Q And if not, that's okay, whatever you can
2 recall.

3 A I can't recall right now.

4 Q Okay. All right. And to your knowledge do you
5 know if there are any witnesses to what was going on out
6 there while you were getting tased and hit by the police?

7 A To my knowledge, no, it was night and all I had
8 -- all I seen was the police.

9 Q Can you give a rough estimate of the address in
10 front of where this is all happening, if you can just
11 remember roughly where it might be?

12 A 81st, somewhere by [REDACTED] and [REDACTED] on the left
13 side. I can't give the address because I was trying to
14 dial 911. I was knocking on people's doors so they could
15 dial 911. So I drifted off to the left. I went east
16 about five houses down from the accident of the scene and
17 that's where it all like -- that's where it all happened,
18 somewhere around there.

19 Q Okay, if you went east are you going east on
20 81st?

21 A Yeah, I am going east on 81st.

22 Q East on [REDACTED] from [REDACTED].

23 A From [REDACTED], knocking on people's doors
24 telling them to call 911.

1 Q Okay. And you didn't hit the next block east
2 of Kostner as far as you know?

3 A It happened on the corner, five houses down on
4 the corner. I mean they were there right away.

5 Q Okay.

6 A It hasn't been -- as soon as I got out of the
7 car and rang the first doorbell, I seen the police coming
8 out of the side of the car and I said, "Oh, okay, the
9 police is here thinking okay, they are here and --

10 Q All right, all right and you had said before
11 you didn't see the vehicle that clipped you?

12 A No, I didn't see the vehicle that clipped me.

13 Q All right, okay. What damage occurred to your
14 van from the clip by the other car?

15 A I know when I got clipped I hit a couple of
16 fences, three fences here and I know I hit the tree and
17 the car went side to another fence in the easement.

18 Q Okay. All right and as far as damage to your
19 van from being clipped, though, what damage was caused by
20 the car -- the vehicle clipping you?

21 A I don't know because as soon as -- when I got
22 tasered I was in the ambulance and they were still tasing
23 me in the ambulance.

24 Q Okay.

1 A So I didn't get a chance to see my car. My car
2 is in the towing or the impound right now.

3 Q Oh, okay. You haven't seen it since the
4 accident?

5 A I haven't seen it since the accident.

6 Q Okay, all right. And after you were tased and
7 you were struck by the police --

8 A Uh-hum.

9 Q What happened?

10 A Then the paramedics showed up.

11 Q Okay.

12 A The police officers handcuffed my left hand to
13 this side of the bed, my right hand to this side of the
14 bed and handcuffed my legs to each side of the bed. Same
15 thing with like my hands and I had handcuffs to both of
16 my legs so I had handcuffs all around me so I couldn't
17 move or nothing.

18 Q Oh, okay. And when you were lying on the
19 ground either when you were in the upright position with
20 your legs straight out or when you were forced to get on
21 to your back, did you resist the officers in any way as
22 far as kicking them or trying to punch them or anything
23 like that?

24 A No, no.

1 Q Did you make any move to that affect?

2 A No, I just obeyed their orders and they were
3 just going crazy on me. They attacked me for no reason
4 at all. They don't even know the story, they don't know
5 nothing and they are just sitting there making judgments
6 and judging me and they don't even know what even
7 happened.

8 Q Okay. And that first officer, McHenry, or any
9 of the other officers ask you how you happened to be in
10 this particular position, meaning how you happened to
11 even be there?

12 A No, they just came to their own conclusions and
13 I am pretty sure a female officer was there, too, and she
14 was Mexican. I am pretty sure I seen a female officer
15 there, too.

16 Q Okay.

17 A That's another officer and a couple of more
18 males.

19 Q Okay, was she in uniform?

20 A Yeah, she was in uniform.

21 Q All right, any other description on her?

22 A I am thinking she's about 5'7" -- 5'5", 5'6"
23 and I am saying about 180 pounds.

24 Q Okay.

1 A Black hair, looks Hispanic.

2 Q Okay. How about age?

3 A Age, she is in her mid-30s.

4 Q Okay. Any glasses or any other kind of marks,
5 scars, tattoos?

6 A I don't recall her wearing glasses.

7 Q Okay, all right. Okay. And let' see, so then
8 you were handcuffed and this is -- we will just pause the
9 interview for a second.

10 (Whereby interview was paused.)

11 We will resume the interview. And when you were
12 handcuffed -- that's like to the ambulance gurney,
13 basically to the bed they are putting you on?

14 A Yeah, exactly.

15 Q This is outside the ambulance?

16 A Outside the ambulance, they put me on the bed
17 and they are still shocking me.

Q They are still tasing you?

19 A They are still tasing me.

Q And this is after you are handcuffed?

21 A After I am handcuffed and everything.

22 Q Okay.

23 A And they are all even holding me down. Now
24 that I recall, yeah, there was even a white officer

1 there, a lady.

2 Q Okay.

3 A And there was more officers. There was a lot
4 of officers there.

5 Q In uniform?

6 A In uniform, yes.

7 Q Do you remember off any of the cars, any of the
8 squad cars?

9 A No, they didn't give me a chance to do nothing.
10 I obeyed their orders, their commands, I did what they
11 said and this is what the outcome is.

12 Q Okay. So no are you loaded into the ambulance?

13 A Now they are loaded me into the ambulance, I am
14 cuffed, and they are still holding me pretending and they
15 are all talking like, "Did you see that? Did you see
16 that?" And I didn't do nothing. They are all just kind
17 of playing it off like I am the bad guy.

18 Q Okay. All right.

19 A So that's when I knew -- that's when I came to
20 the conclusion that they were all laying it on together
21 because they know they were in the wrong.

22 Q Okay, all right, 'in the wrong' as far as
23 hitting you and injuring you?

24 A Yes.

1 Q By the way, who the officer was that tased you
2 at that -- after you were already handcuffed, do you know
3 who that is?

4 A McHenry and another guy, too, they were tasing
5 me from all over the place. They never gave me a chance.
6 I was getting tased for a pretty long time.

7 Q All right. Do you think there was more than
8 one officer tasing you when you were handcuffed?

9 A Yes.

10 Q After you were handcuffed?

11 A Oh, yes, of course.

12 Q All right, any description on that officer?

13 A No, there was a lot of officers there.

14 Q All right. Okay so now you are placed into the
15 ambulance --

16 A Yes.

17 Q -- then what happens?

18 A Then they are still sitting there tasing me
19 saying that, "Oh, he's resisting, he's resisting," and I
20 am handcuffed to the bed and they are holding me down,
21 how am I resisting? They are still tasing me.

22 Q And just to close that door, were you doing
23 anything like spitting at them?

24 A No, no disrespect, not even a word to them. I

1 didn't say nothing to them.

2 Q Okay. All right, and so then after they tase
3 you again after you are already on the gurney or on the
4 bed with the handcuffs on are you then placed into the
5 ambulance?

6 A Yes.

7 Q Okay. And then what happens?

8 A And they are still sitting there tasing me.

9 Q Okay. Even when you are in the ambulance?

10 A Even when I am in the ambulance.

11 Q All right. Okay. Just offhand do you know any
12 of the numbers off the ambulance or who the driver's
13 were, who the paramedics were?

14 A No, they didn't give me a chance. They were
15 all holding me and they had my neck bent and their fist
16 on my mouth so I wouldn't say nothing.

17 Q Okay. Do you know who had their fist, then,
18 like that or had the fist on your mouth?

19 A I think it was McHenry.

20 Q Okay. Something like that, McHenry, his name
21 is something like that but I am pretty sure they had all
22 the officers on the scene that day, they had their names.

23 Q Okay, all right. So now does the ambulance
24 take you to the hospital, to Christ Hospital that was?

1 A Yes, yes.

2 Q And you mentioned that Officer McHenry is one
3 of the officers that comes to the hospital?

4 A Yes.

5 Q Okay. So what happens at the hospital? Were
6 you just treated there or what happens?

7 A At the hospital they are all sitting there
8 talking and they are still holding me while I am
9 handcuffed, they are still holding me and he still has
10 his fist on my mouth and he is not letting me say a word.

11 Q Okay. That's the same officer you think?

12 A The same officer.

13 Q All right, McHenry, okay. Then what happens?

14 A I am trying to look at the officer, he is
15 bending my neck and he won't let me look at his nametag
16 or who he is but I already seen his nametag and I know
17 who he is.

18 Q Okay.

19 A So that was his whole intention. And I was in
20 a neck brace. I had a neck brace on and I couldn't even
21 move and he stood trying to block my face and my sight
22 and everything like that.

23 Q Okay. And just for the record, [REDACTED] is
24 demonstrating that the fist of the officer was against

1 his mouth so he couldn't talk.

2 A And bending my neck.

3 Q Okay, all right, you were treated at the
4 hospital and you were released back into police custody?

5 A Yes, yes. I had guards watching me from the
6 morning until the night, they kept changing shifts. All
7 the people were watching me. They were all jumpy and
8 they were trying to get the nurses and the doctors
9 against me, make me look bad.

10 Q Okay. How did they do that, the police?

11 A One guy sat right here while there was more
12 just -- they kept moving me room to room so people
13 wouldn't see what was going on or hear anything.

14 Q Is this in the emergency room area?

15 A In the emergency room; I went from to the
16 emergency room to ICC, ICU, and then critical unit. They
17 just kept moving me so no one would know what was going
18 on or see anything.

19 Q Okay. Is it all on the same floor, all those
20 different areas?

21 A I remember being in the emergency room, going
22 to the emergency room, then I am in the room and they are
23 still -- they are attacking me and then they were like,
24 okay, I guess the room had to be filled by another

1 person. They are like, "Well this room needs to be for
2 somebody else, you've got to move him somewhere else,"
3 then they moved me somewhere else and I still couldn't
4 see because I had a neck brace on.

5 Q In what way were they attacking you, the police
6 attacking you in the emergency room? I mean what did you
7 just describe?

8 A In the emergency room they were just -- he had
9 his fist in my mouth for a long time. I even have a cut
10 right here. I have it to prove what he did.

11 Q All right, okay. And that's the same officer,
12 again?

13 A Yes.

14 Q Still McHenry?

15 A Yes.

16 Q Okay, all right. Okay and then let's see after
17 you're moved different times at the emergency room and
18 ICU are you treated and then released from the hospital?

19 A Yeah, I fell asleep on the bed. I don't
20 remember them giving me an MRI. I guess they took an
21 MRI, I don't remember that, I was asleep.

22 Q Uh-hum.

23 A And I woke up and there was -- I woke up in a
24 room and I am asking them, "Where am I?" And they are

1 like, "You are at the critical thinking unit or something
2 or ICU," and they are like we are not going to be
3 charging you with anything, we are going to let you go,
4 they are just plain get up.

5 Q That's the police?

6 A That's the police, oh, we are going to let you
7 go, you are not going to get arrested, and all this, make
8 it -- acting like they had sympathy towards me, giving me
9 the wrong idea of what's really going on, fooling me --

10 Q Uh-hum.

11 A -- and misleading me.

12 Q Okay. And --

13 A And so the officer who I seen his nametag, seen
14 him and know who he is, then they all started, they all
15 gathered up in a -- and they all started talking and
16 calling on their cell phones to their sergeant and then
17 they were running around in the hospital. I don't know
18 what they were doing, they were going crazy.

19 Q Okay. All right and then eventually did they
20 take you out of there?

21 A Eventually a nurse comes and says, "Don't
22 worry, [REDACTED] they are letting you go." She tells me,
23 "Oh, you h [REDACTED]
24 [REDACTED] I

1 have a [REDACTED] because when my foot was handcuffed
2 to the bed and they are tasing me I am moving so it
3 [REDACTED] sprained my ankle.

4 Q Okay, and that's the left ankle?

5 A My left ankle, yes.

6 Q Okay. And you had described just now what
7 injuries you had gotten. That's mainly form the
8 accident, apparently?

9 A No --

10 Q No, no, I mean the vertebrae and all.

11 A Yeah.

12 Q You had described earlier --

13 A I had my seatbelt on. That's kind of weird for
14 me to have broken ribs and broken vertebrae when I had my
15 seatbelt on.

16 Q Which ribs were broken? What side?

17 A I am guessing the right side, the right side.

18 I feel all the pain right here, it's in my right side.

19 Q Okay.

20 A My lower back, my top, my ribs and in the
21 middle and then my neck and my back and the left side,
22 too.

23 Q Okay and earlier in the interview you had shown
24 on your left arm --

1 A I showed you while I was on the floor getting
2 tased they are saying they scraped me.

3 Q Now for the record, [REDACTED] is showing on
4 his left upper shoulder and left upper back there is
5 scraping evidence, looks like a scrape.

6 A From the taser.

7 Q Okay, is that with the contact with the taser?

8 A Yeah, that's from the taser and the concrete
9 when I was on the floor.

10 Q The concrete, okay, and that's about -- looks
11 about 4 to 5 inches, it's kind of -- almost like
12 triangular abrasion or scraping injury. It is on the
13 left shoulder; any other?

14 A I believe I was shocked right here, too.

15 Q That's the left forearm on the inner forearm,
16 in the middle of the forearm. Looks like a scabbed cut
17 there in a 'V' shape.

18 A That's from the --

19 Q You think that's from the taser?

20 A That's from the taser because --

21 Q Now in each case that you were being tased was
22 it contact with the device, with the taser gun?

23 A Yeah, it was with contact, contact.

24 Q It wasn't the taser prongs, the probes going

1 out?

2 A They had a lot -- they wouldn't let me see
3 nothing.

4 Q Okay.

5 A They were on top of me. He had his fist on my
6 mouth so I couldn't see nothing while I was getting tased
7 so --

8 Q Do you ever remember your skin getting pierced
9 by these probes?

10 A I remember feeling my skin being pierced by
11 electricity, that's how I felt.

12 Q Okay. All right, what injuries apart from what
13 you just described from the tasing, what injuries do you
14 think you got from the police versus the accident that
15 you had?

16 A I believe they are the ones that broke -- when
17 they were hitting me and tasing me and bending my neck
18 and twisting my body, I believe this is from them, not
19 from the accident. I had my seatbelt on.

20 Q Okay so you think the right side, the rib --

21 A My ribs, my fractured back and my vertebrae
22 from the twisting.

23 Q From the vertebrae, okay. And the vertebrae
24 from the twisting of your neck, is that what you are

1 saying?

2 A Yes, they were just twisting my body sort of
3 like a chiropractor who he cracks your back, that's what
4 they were doing to me.

5 Q All right, okay. Did they charge you with
6 anything?

7 A Yes, they charged me with possession of a
8 controlled substance.

9 Q All right and did you have those controlled
10 substances with you, then?

11 A I am not aware of any -- I didn't see no
12 controlled substance, there was nothing on me in my
13 possession. They allegedly said I had it in my car
14 somewhere, but that's what they charged me with.

15 Q Okay, all right. And then -- so after you were
16 treated at the hospital the police took you from there to
17 the police station?

18 A To the 8th District Police Station.

19 Q All right, anything else happen as far as the
20 police?

21 A No, they put me in lock-up, Room 13.

22 Q Okay.

23 A From lock-up, I waited until about 5:00 or 6:00
24 in the morning, straight to Cook County jail.

1 Q And then were you bonded out?

2 A I was bonded out.

3 Q Okay. All right, do you know what day you were
4 bonded out offhand?

5 A I happened Thursday night and it must have been
6 about a day and a night and about more than half a day in
7 Christ Hospital. I got to the police station maybe about
8 10:00.

9 Q That would have been Friday by this time?

10 A Yeah, it would have been Friday about 10:00 and
11 at 5:00, 6:00 we were in the paddy wagon going to Cook
12 County jail.

13 Q So maybe Saturday morning you hit the -- go to
14 jail, probably or was it Friday morning with the jail?

15 A It was -- Friday, Saturday --

16 Q If you recall?

17 A I mean, I recall, I recall, but I am saying
18 that we got to the jail, the processing and everything
19 and I got bonded out, so I was out by Saturday night.

20 Q Okay. All right, did any incident happen while
21 you were at Cook County jail?

22 A No.

23 Q Did you get into any fights with the guards?

24 A No, no.

1 Q Or the other inmates or anything like that?

2 A No, nothing.

3 Q No problem, all right. Oh, at the time of the
4 sole incident when you were driving and you got clipped
5 by the vehicle, were you under the influence of anything
6 as far as alcohol, drugs, anything like that?

7 A No, I had no alcohol in me. I had no alcohol.

8 Q So you were sober during the incident?

9 A I was sober.

10 Q Okay, all right.

11 A They kept asking me, "What are you on? What
12 are you on?" I mean, from my body, I mean I smoke some
13 bud, you know --

14 Q Yeah.

15 A -- so I had that in my system from, you know, a
16 party so -- but not that night. I know what happened to
17 me that night.

18 Q And 'bud' is marijuana?

19 A Yes.

20 Q Okay, no problem. And do you know of anyone --
21 have you heard by some chance like in the neighborhood or
22 whatever, have you heard of anyone who said that they
23 videoed any part of this incident?

24 A No.

1 Q Okay, that's fine. And did you have to seek
2 any other medical attention other than at Christ
3 hospital?

4 A Yes, I seeked some -- after I got out of
5 jail.

6 Q Uh-hum.

7 A I felt my heart -- my heart was hurting me and
8 I guess from the taser gun and everything and they
9 reinjured my left knee injury.

10 Q All right.

11 A I have a left knee injury from before.

12 Q Okay.

13 A And they reinjured it and the --

14 Q Sprain to the ankle. What injury had you
15 already had to your left knee?

16 A Uhm, I am thinking the tendons and stuff like
17 that. I am seeing an orthopedic doctor for it, if you
18 pulled the medical records out they will have this injury
19 in there.

20 Q And how did the police like exacerbate that
21 injury?

22 A Just twisting me and handcuffing my leg and
23 just pulling me and attacking me.

24 Q Okay and what was that injury before, your left

1 knee?

2 A A police squad car hit me with their squad car.

3 Q This is prior to this incident?

4 A Prior to a different incident.

5 Q Okay, no problem, all right. Had you reported
6 that one?

7 A I reported that one to the Independent Police,
8 too.

9 Q No problem, okay.

10 A Do you know what? Since that case they have
11 been on me and I am pretty sure it was a police car that
12 clipped me because police are the only ones that sit
13 there and clip people so their cars can spin out and do
14 that thing. The police have been after me and against
15 me. I have a lawsuit against them.

16 Q From the original knee thing?

17 A From the original thing, they have been after
18 me since that. They have been bothering me. They come
19 in front of my house, they put parking tickets on my car,
20 they are just bothering me and watching me, it feels --
21 they took my I.D. too at this incident and it feel like
22 they are trying to kill me.

23 Q Okay. All right, just offhand, do you know the
24 Log number from that earlier incident with your left

1 knee?

2 A No.

3 Q That's all right, but you reported it?

4 A I reported it. I went down to the -- to your
5 station there on 35th. I gave you a recording. I spoke
6 to one of your agents and it was settled, you know.

7 Q Okay. Let's see, you weren't under the
8 influence of PCP or anything like that at the time of the
9 incident?

10 A I had that in my body but that night I know
11 about myself, I knew about myself.

12 Q Okay, you were sober that night?

13 A I was sober, I was sober.

14 Q But the incident we are talking about, November
15 3rd?

16 A Yeah, I was all right. I still knew what was
17 going on. I am the type of person that if I do anything,
18 I still know about myself. I am not the type of person
19 that does drugs and all that and falls out. I still know
20 about myself. And when I have a drink I have a casual
21 beer or two, never to not know about myself, always to be
22 careful. I am always thinking about my life, my safety,
23 people's safety, other people's safety and I wouldn't
24 jeopardize anybody's life like that.

1 Q All right. How were you dressed at the time of
2 the incident, November 3rd?

3 A I had, okay, I had blue Arizona jeans on, I had
4 no shirt and I didn't have my shoes on.

5 Q You did not have shoes on?

6 A No, I did not have my shoes on, no.

7 Q Okay. What was the weather like?

8 A The weather was all right. I think it was in
9 the 60s. I was outside, I said, "You know, let just
10 drive by my cousin's house over there and see what's
11 going on." I was, you know, it was just two blocks down
12 from over here. I figured let me just jump in the car
13 and go see my cousin and --

14 Q I just want to make sure your cousin is not a
15 witness to anything that happened that night?

16 A No, no.

17 Q Okay. When the police came upon you and the
18 tasing occurred but when they first came upon you had you
19 had blood on you already from the accident?

20 A No, I had my seatbelt on.

21 Q Okay.

22 A I had my seatbelt on.

23 Q I thought earlier on in the interview you said
24 you did injure yourself during the accident when you hit

1 the tree and you hit the fence?

2 A I had my seatbelt on so if I hit the tree and I
3 hit the fence I would have flew through the window or my
4 head would have hit the glass or I would have hit that.
5 There was no facial, nothing, nothing. I got up, took my
6 seatbelt off, got out of the car, knocking on people's
7 door, call the police.

8 Q Were you already bloodied, though?

9 A No, I didn't see no blood, nothing, nothing,
10 nothing at all.

11 Q Do you think you were injured in those two
12 accidents with the tree and with the fence?

13 A It's possible but --

14 Q Okay.

15 A -- I don't think so. I had my seatbelt on.

16 Q All right. And when you were going to the
17 doors to have somebody call 911, were you screaming
18 trying to ask for help?

19 A Yeah, I was trying to ask for help like someone
20 help me because I don't know what's going on. I got
21 clipped, people are after me, hurry up, call the police,
22 call paramedics. I don't know who is trying to attack
23 me, who is trying to get me, what's going on.

24 Q Okay.

1 A So my first thing is call 911, somebody call
2 911. I don't have a cell phone on me. So the first
3 thing I think: Call the police.

4 Q Okay, all right. Okay the officers report on
5 your arrest report or on the -- yeah, on the arrest
6 report, it says that when they attempted to pat you down,
7 this is when they first contacted you, they are trying to
8 pat you down and you refused to show your hands and that
9 you pushed off the squad car?

10 A That's not true.

11 Q Did you bump an officer?

12 A That's not true, I obeyed all their commands
13 and all their orders.

14 Q Did you try to flee at that point?

15 A Uhm --

16 Q Like run away from the police?

17 A No, I was knocking on people's door. I
18 remember them. They were all coming up. They were just
19 -- I knew they were up to something, that they were going
20 to do something to me. And they all had their guns out.
21 I am like, "Hey, I am not doing anything," they were
22 like, "Hey, get on the floor, get on the floor," and I
23 got on the floor.

24 Q Okay. So and you weren't trying to flee at

1 that point?

2 A I wasn't trying to flee. I had no shoes on,
3 how was I trying to flee? It's my car, it's my license
4 plates and my name, why would I flee? I didn't hit
5 nobody, I didn't do nothing to nobody. I am just calling
6 911.

7 Q Okay and you didn't bump an officer physically
8 on his body?

9 A No, I didn't touch no officer. I didn't bump
10 no officer. I didn't have time to do nothing. They had
11 attacked me; they didn't let me do nothing. Even in the
12 hospital and in the ambulance they did not let me do or
13 say anything to anybody even the doctors or the nurses or
14 nothing.

15 Q Okay. You are bringing up an interesting point
16 there. Did you describe to the doctors or the medical
17 personnel at Christ Hospital that the police had hit you
18 or tased you or anything like that?

19 A They all figured since I was handcuffed in the
20 bed, making me look guilty that I am the guilty party and
21 that it is all my fault.

22 Q All right.

23 A Didn't get a chance to speak to a doctor. I
24 didn't get a chance to speak to the nurses. And the

1 doctors and the nurses they seen what was going on and
2 this is why I am mad. They were seeing what was going on
3 and no one said nothing and he still had his fist on my
4 mouth. I had a neck brace on and I am tied. There is
5 nothing possibly for me to do anything to anybody and I
6 was mistreated at the hospital, too.

7 Q Okay. After you were in the handcuffs on the
8 scene, did you try and get out of the cuffs or anything?

9 A No, there were -- they were tasing me, man, and
10 while they are tasing me I am going, "Errr," and it is
11 hurting me and it is putting stress on my heart. I am 32
12 years old. I am a man.

13 Q Okay, all right. And were you screaming at the
14 police and the paramedics on the scene?

15 A I was just screaming. They kept tasing me and
16 I was going, "Errr," from the taser I was going, "Errr,"
17 like that.

18 Q All right. Okay, let's see, so do you feel
19 that you were tased without justification?

20 A Yes.

21 Q Okay. And when you were initially -- filed
22 this complaint you mentioned -- apparently you mentioned
23 that officers held you by the neck?

24 A Yes.

1 Q At what point did they hold you by the neck?

2 A Okay, the whole time.

3 Q Uh-hum.

4 A When I got on the floor as soon as he said,
5 "get on the floor, sit on the floor," I sat on the floor.
6 He came and tased me on my neck. Now I am on my back and
7 they got my neck, they are holding me down. They are
8 twisting my back and they are attacking me.

9 Q Okay, okay.

10 A It's not fair.

11 Q All right and just for the record, [REDACTED]
12 had gotten on the floor in his living room here and
13 showed, again, what the -- what was going on at the scene
14 of the incident when the officers were doing what he has
15 just described what they were doing. So they had contact
16 on your neck at that time?

17 A Yes.

18 Q Okay. Do you know who was actually with the
19 contact on your neck?

20 A They were tasing me. I couldn't say nothing at
21 all.

22 Q Okay, okay. All right, can you think of
23 anything else to add to your account?

24 A Yes, I could. I also had \$205 dollars in my

1 pocket.

2 Q Okay.

3 A With my license.

4 Q Okay. \$205, 2-0-5?

5 A \$205 dollars cash.

6 Q Okay.

7 A They -- at the hospital they said they had to
8 cut my jeans off and they cut my underwear. That's their
9 procedure over there. I am like, fine, go ahead, cut.
10 They cut but I also had money in my pocket. My money is
11 missing. When I got to lock-up in 8th District I asked
12 where are my items that were in my pocket, they said I
13 didn't have no driver's license and I didn't have no
14 money.

15 Q Huh, okay. All right.

16 A And the nerve for them, the nerve they had to
17 take my money.

18 Q Uh-hum. Okay now just so you know on the
19 arrest report they got that they inventoried \$165
20 dollars?

21 A Oh they did? They inventoried \$165?

22 Q Yeah.

23 A Okay, they were telling me they didn't
24 inventory nothing. They were saying I had nothing.

1 Q Okay.

2 A They were saying I had nothing. They were
3 asking me, they were all playing it off, they were asking
4 me what's my name. The whole time they are thinking I
5 don't know about myself, maybe I am mentally ill and all
6 this crazy stuff and the whole time I know I have money
7 in my pocket and I know I have a driver's license. And
8 so they are still asking me stupid questions. You have
9 my license and you have my money. You see my I.D. you
10 know.

11 Q That was in the case report, just so you know.

12 A Okay, thank.

13 Q Okay, do you think any money was not accounted
14 for?

15 A I think there is some money not accounted for.

16 Q Okay you think it is still --

17 A I came out. When I left my house that's the
18 first thing I did. I was in my kitchen, I looked in my
19 pocket, I had my driver's license and I counted out \$205
20 dollars.

21 Q Okay.

22 A I had hundred dollar bills -- I had a hundred
23 dollar bill, twenties and fives, singles. I had money on
24 me, you know.

1 Q All right. Okay the case repot says that when
2 the police got to the scene of the incident, the original
3 scene, that they saw you and you walked toward the
4 officer's vehicle and you placed you hands on the hood of
5 the squad car and that you said your girlfriend had given
6 you AIDS. Do you know anything about that?

7 A No, I don't know nothing about that.

8 Q Did you say that to them?

9 A I don't recall me saying that to them.

10 Q Okay.

11 A And just for the record, I don't' have AIDS. I
12 get tested. I am a married man and I am very cautious.
13 I am a germ freak. I am constantly washing my hands, you
14 know, and anybody that looks dirty, I am always like,
15 "Stay away from me," I will spray them with Lysol or
16 something. I am alike what's that guy's name? Let's
17 Make A Deal -- what's his name?

18 Q Oh, yeah, I know who you are talking about.

19 A I am just like that guy.

20 Q Okay, all right.

21 A [REDACTED] (phonetic), is that his name?

22 Q It is something like that, all right. Anything
23 else that you can think of, then?

24 A Oh, I can also think of is that when I opened

1 my eyes in the hospital, when I woke up there was
2 officers -- when I was sleeping they were camcording me
3 on their cell phones. As soon as I was waking up, they
4 all had cell phones, they all started leaving the
5 curtains and there was still one guy there holding two
6 cell phones.

7 Q Huh.

8 A So when I was sleeping they were videotaping me
9 while I was sleeping.

10 Q Do you know who those officers were offhand?

11 A No, I didn't get --

12 Q Were they in uniform?

13 A Yeah, they left the room real quick.

14 Q All right. Male or female, do you remember?

15 A I don't recall but I remember seeing the male
16 and that was it. That's all I recall.

17 Q Okay, anything else?

18 A That's it.

19 Q All right.

20 INVESTIGATOR LUKAS: Anything else that comes to
21 your mind, Mr. Wardak?

22 MR. WARDAK: No.

23 INVESTIGATOR LUKAS: This concludes the digitally
24 recorded statement o [REDACTED] regarding Log

1 #1049886. It is approximately 1721 hours on 9 November
2 2011.

3 (STATEMENT ENDED)

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1 I, Audrey Marie Skaja, do hereby certify or
2 affirm that I have impartially transcribed the
3 foregoing from a digitally recorded statement of the
4 above-mentioned proceedings to the best of my ability.

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7 Audrey Marie Skaja

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